

ANDREW M. LEAVITT, ESQ.
Nevada Bar #3989
ROBERT F. PURDY, ESQ.
Nevada Bar #6097
Law Office of Andrew M. Leavitt, Esq.
633 South Seventh Street
Las Vegas, Nevada 89101
(702) 382-2800
Attorney for Defendant,
MICHAEL BLUMENTHAL

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

| | |
|---------------------------|---------------------------|
| UNITED STATES OF AMERICA, |) |
| |) 2:14-CR-00207-LDG-VCF-1 |
| Plaintiff, |) |
| |) |
| vs. |) AN EVIDENTIARY HEARING |
| |) IS REQUESTED |
| MICHAEL BLUMENTHAL |) |
| |) |
| Defendant. |) |
| _____ |) |

DEFENDANT'S REPLY TO UNITED STATES' RESPONSE TO MOTION
TO MODIFY PRE-TRIAL RELEASE CONDITIONS

COMES NOW, the above named Defendant, MICHAEL BLUMENTHAL, by and through his undersigned attorneys, ANDREW M. LEAVITT, ESQ., and ROBERT F. PURDY, ESQ., of the Law Office of Andrew M. Leavitt, Esq. and hereby submits this Reply Brief in support of the Defendant's Motion to Modify Pretrial Release Conditions. This Reply is made and based upon the points and authorities attached hereto, the pleadings and papers on file herein and

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2 any additional evidence that may be presented at the hearing on the original
3 Motion. The Defendant requests that the Court grant a hearing on this Motion.
4

5 DATED this 10th day of November, 2014.

6 Law Office of
7 ANDREW M. LEAVITT, ESQ.

8 /s/ ANDREW M. LEAVITT, ESQ.
9 /s/ ROBERT F. PURDY, ESQ.

10 ANDREW M. LEAVITT, ESQ.
11 Nevada Bar # 3989
12 ROBERT F. PURDY, ESQ.
13 Nevada Bar # 6097
14 633 South Seventh Street
15 Las Vegas, Nevada 89101

16 POINTS AND AUTHORITIES

17 STATEMENT OF FACTS

18 The Government claims in its response to Defendant's Motion to Modify
19 Pretrial Release Conditions that Mr. Blumenthal should not be permitted to
20 relocate his pretrial release to New Jersey or Florida because Mr. Blumenthal
21 will inevitably flee the United States to Canada to attempt to escape
22 prosecution.

23 This is the same rational the Government provided in opposition to Mr.
24 Blumenthal's original request to be released pending trial at his detention
25 hearing. The Government adamantly claimed that Mr. Blumenthal was going
26 to flee Las Vegas if he was not detained pending trial. It has been three months
27 since Mr. Blumenthal was released from custody. Mr. Blumenthal has not
28 attempted to flee Las Vegas or the United States. Rather, Mr. Blumenthal has

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2 been a model house arrest/halfway house pretrial Defendant. Mr. Blumenthal
3 has obeyed every rule and has worked full time to provide for himself and his
4 family.
5

6 Mr. Blumenthal, in making his Motion to Modify his Pretrial Release
7 Conditions merely wants to reside, while waiting for trial, in a part of the
8 United States that will allow him to more effectively work and to have an
9 opportunity for his family to visit him. If allowed to live in New Jersey, he will
10 reside with his aunt and uncle. If allowed to live in Florida, he will reside with
11 his mother.
12

13 The Government claims that both New Jersey and Florida provide easier
14 access to Canada for Mr. Blumenthal to flee the United States. This is untrue.
15 First of all, Florida is more than 300 miles further from the Canadian Border
16 than Las Vegas. The Government would have this Court to believe that an
17 individual on house arrest and wearing a GPS Bracelet could easily fly from
18 Florida (or New Jersey) and flee to Canada. Under this logic, Mr. Blumenthal
19 could have already boarded a flight in Las Vegas and flown to Canada. This is
20 not reality. Mr. Blumenthal has not and will not flee from justice in this case.
21

22 The Government perverts the reasoning for Mr. Blumenthal's request for
23 the move - claiming that better access to Canada means he will flee. If Mr.
24 Blumenthal is permitted to move, it is for easier and more accessible for his
25 wife and two young children to come visit him. New Jersey is closer allowing
26 his family to drive. Florida is actually further, but more affordable to fly and
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2 his family would have a place to stay at no cost when visiting. Additionally,
3 the employment opportunities and costs will be more favorable if Mr.
4 Blumenthal is permitted to live in either New Jersey or Florida pending trial.
5

6 Accordingly, the rational offered by the Government is stale, inapplicable
7 and does not pertain to the present situation. Therefore, it is respectfully
8 requested that this Court grant an evidentiary hearing and, ultimately, allow
9 Mr. Blumenthal to modify his pretrial release conditions by allowing him to
10 move to New Jersey or Florida.
11

12 DATED this 10th day of November, 2014.

13 Law Office of
14 ANDREW M. LEAVITT, ESQ.

15 /s/ ANDREW M. LEAVITT, ESQ.
16 /s/ ROBERT F. PURDY, ESQ.

17 ANDREW M. LEAVITT, ESQ.
18 Nevada Bar # 3989
19 ROBERT F. PURDY, ESQ.
20 Nevada Bar # 6097
21 633 South Seventh Street
22 Las Vegas, Nevada 89101
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27
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Law Office of Andrew M. Leavitt, Esq., and that on the 10th day of November, 2014, I did send via electronic filing, the foregoing **DEFENDANT'S REPLY TO UNITED STATES' RESPONSE TO MOTION TO MODIFY PRE-TRIAL RELEASE CONDITIONS** to:

Sarah E. Griswold, Esq.
U.S. Attorney's Office
333 Las Vegas Blvd So
Suite 5000
Las Vegas, NV 89101
702-388-6336
702-388-6418 (fax)
sarah.griswold@usdoj.gov

/s/ Yadira Romero

Yadira Romero
Employee of the Law Office of
Andrew M. Leavitt, Esq.